

**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$) **460.00****Complete if Known**

|                      |                     |
|----------------------|---------------------|
| Application Number   | 09/717,838          |
| Filing Date          | 11/21/2000          |
| First Named Inventor | Walter D. Gillespie |
| Examiner Name        | Pamela L. Wingood   |
| Group Art Unit       | 3736                |
| Attorney Docket No.  | 021US1              |

**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **50-2040**  
Deposit Account Name **NuVasive, Inc.**

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ **Payment Enclosed:**

☐ Check ☐ Credit card ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE****Large Entity Small Entity**

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description        | Fee Paid |
|----------|----------|----------|----------|------------------------|----------|
| 101      | 740      | 201      | 370      | Utility filing fee     |          |
| 106      | 330      | 206      | 165      | Design filing fee      |          |
| 107      | 510      | 207      | 255      | Plant filing fee       |          |
| 108      | 740      | 208      | 370      | Reissue filing fee     |          |
| 114      | 160      | 214      | 80       | Provisional filing fee |          |

**SUBTOTAL (1)** (\$) **460.00****2. EXTRA CLAIM FEES**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | -20** =      | X              |          |
| Multiple Dependent | -3** =       | X              |          |

**Large Entity Small Entity**

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  |
|----------|----------|----------|----------|--|
| 103      | 18       | 203      | 9        | Claims in excess of 20                                     |
| 102      | 84       | 202      | 42       | Independent claims in excess of 3                          |
| 104      | 280      | 204      | 140      | Multiple dependent claim, if not paid                      |
| 109      | 84       | 209      | 42       | ** Reissue independent claims over original patent         |
| 110      | 18       | 210      | 9        | ** Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)** (\$) **0.00**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description  | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|--|----------|
| 105                   | 130                   | 205                   | 65                    | Surcharge - late filing fee or oath  |          |
| 127                   | 50                    | 227                   | 25                    | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139                   | 130                   | 139                   | 130                   | Non-English specification  |          |
| 147                   | 2,520                 | 147                   | 2,520                 | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112                   | 920*                  | 112                   | 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 113                   | 1,840*                | 113                   | 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 115                   | 110                   | 215                   | 55                    | Extension for reply within first month                                     |          |
| 116                   | 400                   | 216                   | 200                   | Extension for reply within second month                                    |          |
| 117                   | 920                   | 217                   | 460                   | Extension for reply within third month                                     | 460.00   |
| 118                   | 1,440                 | 218                   | 720                   | Extension for reply within fourth month                                    |          |
| 128                   | 1,960                 | 228                   | 980                   | Extension for reply within fifth month                                     |          |
| 119                   | 320                   | 219                   | 160                   | Notice of Appeal   |          |
| 120                   | 320                   | 220                   | 160                   | Filing a brief in support of an appeal                                     |          |
| 121                   | 280                   | 221                   | 140                   | Request for oral hearing   |          |
| 138                   | 1,510                 | 138                   | 1,510                 | Petition to institute a public use proceeding                              |          |
| 140                   | 110                   | 240                   | 55                    | Petition to revive - unavoidable   |          |
| 141                   | 1,280                 | 241                   | 640                   | Petition to revive - unintentional   |          |
| 142                   | 1,280                 | 242                   | 640                   | Utility issue fee (or reissue)   |          |
| 143                   | 460                   | 243                   | 230                   | Design issue fee   |          |
| 144                   | 620                   | 244                   | 310                   | Plant issue fee  |          |
| 122                   | 130                   | 122                   | 130                   | Petitions to the Commissioner  |          |
| 123                   | 50                    | 123                   | 50                    | Processing fee under 37 CFR 1.17(q)  |          |
| 126                   | 180                   | 126                   | 180                   | Submission of Information Disclosure Stmt                                  |          |
| 581                   | 40                    | 581                   | 40                    | Recording each patent assignment per property (times number of properties) |          |
| 146                   | 740                   | 246                   | 370                   | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149                   | 740                   | 249                   | 370                   | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179                   | 740                   | 279                   | 370                   | Request for Continued Examination (RCE)                                    |          |
| 169                   | 900                   | 169                   | 900                   | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) **460.00****SUBMITTED BY**Name (Print/Type) **Jonathan D. Spangler, Esq.**Registration No. **40,182**  
(Attorney/Agent)**Complete (if applicable)**Telephone **858-243-0029**

Signature

Date **07/29/2002****WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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GP 37369

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|   |                             |                               |        |
|---|-----------------------------|-------------------------------|--------|
| <b>TRANSMITTAL<br/>FORM</b><br><br>(to be used for all correspondence after initial filing) | <b>Application Number</b>   | 09/717,838                    |        |
|   | <b>Filing Date</b>          | 11/21/2000                    |        |
|   | <b>First Named Inventor</b> | Walter Gillespie              |        |
|   | <b>Group Art Unit</b>       | 3736                          |        |
|   | <b>Examiner Name</b>        | Pamela Wingood                |        |
| <b>Total Number of Pages in This Submission</b>   | 22                          | <b>Attorney Docket Number</b> | 021US1 |

| ENCLOSURES (check all that apply)   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input checked="" type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers<br>(for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input checked="" type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence<br>Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication<br>to Group<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please<br>identify below):<br><br><b>Return Postcard</b><br><br>RECEIVED<br>JUL 29 2002<br>MAIL ROOM |
| <b>Remarks</b>  |  |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |  |
|--|--|
| Firm<br>or<br>Individual name              | Jonathan D. Spangler, Esq. (USPTO Reg. No. 40,182) |
| Signature                                  |  |
| Date                                       | 07/29/2002   |

| CERTIFICATE OF MAILING   |                      |      |            |
|--|----------------------|------|------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <span style="border: 1px solid black; padding: 2px;">July 29, 2002</span> |                      |      |            |
| Typed or printed name  | Jonathan D. Spangler |      |            |
| Signature  |                      | Date | 07/29/2002 |

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